

ATTACHMENT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

M.D., B/N/F SARAH R.	§	
STUKENBERG, ET AL.,	§	
	§	CIVIL ACTION NO.
PLAINTIFFS,	§	1:19-CV-01610
	§	
V.	§	
	§	
GREG ABBOTT, IN HIS	§	
OFFICIAL CAPACITY AS	§	
GOVERNOR OF THE STATE	§	
OF TEXAS, ET AL.,	§	
	§	
DEFENDANTS.	§	

ORAL DEPOSITION OF
STEPHEN PAHL
NOVEMBER 21, 2023

ORAL DEPOSITION OF STEPHEN PAHL, produced as a witness at the instance of the Plaintiffs and duly sworn, was taken in the above styled and numbered cause on Tuesday, November 21, 2023, from 1:04 p.m. to 1:58 p.m. before TAMARA CHAPMAN, CSR, RPR-CRR in and for the State of Texas, reported by computerized stenotype machine, at the offices of Haynes & Boone LLP, 98 San Jacinto Boulevard, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record herein.

Job No. HOU 6322893

<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 R. Paul Yetter</p> <p>4 Karla Maradiaga</p> <p>5 YETTER COLEMAN LLP</p> <p>6 811 Main Street, Suite 4100</p> <p>7 Houston, Texas 77002</p> <p>8 713-632-8000</p> <p>9 pyetter@yettercoleman.com</p> <p>10 kmaradiaga@yettercoleman.com</p> <p>11</p> <p>12 FOR THE DEFENDANTS:</p> <p>13 Kimberly Gdula</p> <p>14 OFFICE OF THE ATTORNEY GENERAL OF TEXAS</p> <p>15 P.O. Box 12548-Capitol Station</p> <p>16 Austin, Texas 78711</p> <p>17 512-463-2120</p> <p>18 kimberly.gdula@oag.texas.gov</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 Katy Gallagher, HHSC</p> <p>22 David Baloché</p> <p>23 Deborah Fowler</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 MS. GDULA: Paul, can we get an</p> <p>2 agreement on the record that "objection; form" will</p> <p>3 be sufficient and I'll provide more detail if and</p> <p>4 when you ask for it.</p> <p>5 MR. YETTER: Yes.</p> <p>6 MS. GDULA: Thank you.</p> <p>7 STEPHEN PAHL,</p> <p>8 having been first duly sworn, testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. YETTER:</p> <p>11 Q. Would you introduce yourself to the</p> <p>12 Court, sir, please.</p> <p>13 A. Yes, sir. My name is Stephen Pahl.</p> <p>14 Q. Thank you, sir.</p> <p>15 You're currently an employee of the</p> <p>16 Department of Family and Protective Services, I --</p> <p>17 excuse me. Scratch that.</p> <p>18 You're currently an employee of Health</p> <p>19 and Human Services --</p> <p>20 A. Yes, sir.</p> <p>21 Q. -- I understand?</p> <p>22 A. That is correct.</p> <p>23 Q. And how long have you worked for the</p> <p>24 State?</p> <p>25 A. For the State of Texas?</p> <p style="text-align: right;">Page 4</p>
<p>1 INDEX</p> <p>2</p> <p>3 PAGE</p> <p>4 APPEARANCES..... 2</p> <p>5 STEPHEN PAHL</p> <p>6 EXAMINATION</p> <p>7 BY MR. YETTER..... 4</p> <p>8</p> <p>9 CORRECTION PAGE..... 33</p> <p>10 SIGNATURE PAGE..... 34</p> <p>11 REPORTER'S CERTIFICATION..... 35</p> <p>12</p> <p>13 EXHIBITS</p> <p>14 NO. DESCRIPTION PAGE</p> <p>15 Exhibit 4 Monitors' Update to the</p> <p>16 Court Regarding Remedial</p> <p>17 Order 3</p> <p>18 (No Bates - 66 pages) 10</p> <p>19 Exhibit 5 Monitors' Supplemental</p> <p>20 Update to the Court</p> <p>21 Regarding</p> <p>22 Remedial Orders 7 and 8 and</p> <p>23 HHSC Provider</p> <p>24 Investigations</p> <p>25 (No Bates - 21 pages) 11</p> <p>Exhibit 6 Temporary Management</p> <p>Directive: Efficient</p> <p>Investigative Procedures</p> <p>and Documentation Practices</p> <p>in All Settings</p> <p>(D_000314 - D_000316) 14</p> <p>Exhibit 7 Provider Investigations</p> <p>Handbook</p> <p>(D_000003 - D_000252) 18</p> <p style="text-align: right;">Page 3</p>	<p>1 Q. Correct.</p> <p>2 A. Going on 26 years, I believe.</p> <p>3 Q. Among your responsibilities, as I</p> <p>4 understand it, you were an Assistant Deputy</p> <p>5 Inspector General for a period of time?</p> <p>6 A. That is correct.</p> <p>7 Q. I think it was 2016 to 2018?</p> <p>8 A. That sounds right.</p> <p>9 Q. And you've been in this role for about</p> <p>10 two years, since 2021?</p> <p>11 A. A little over two years. That's correct.</p> <p>12 Q. Your current title is Deputy Executive</p> <p>13 Commissioner, Regulatory Services, for the Services</p> <p>14 Division for the -- for HHSC?</p> <p>15 A. Yes. I would say that Deputy Executive</p> <p>16 Commissioner for the Regulatory Services Division</p> <p>17 for HHSC. If that's what you were trying to say,</p> <p>18 yes, sir.</p> <p>19 Q. Yes, that's what I was trying to say.</p> <p>20 A. All right.</p> <p>21 Q. Your boss currently is Jordan Dixon, who</p> <p>22 is the chief policy and regulatory officer, I</p> <p>23 believe?</p> <p>24 A. That's correct.</p> <p>25 Q. And his boss is Commissioner Young?</p> <p style="text-align: right;">Page 5</p>

<p>1 A. Jordan Dixon is a female.</p> <p>2 Q. I didn't catch what you just said.</p> <p>3 A. Jordan Dixon is a female. You referred</p> <p>4 to her as "he," I believe.</p> <p>5 Q. I'm sorry. Her boss is Commissioner</p> <p>6 Young?</p> <p>7 A. That's correct.</p> <p>8 Q. Is this role as Executive Commissioner of</p> <p>9 Regulatory Services the first role you've had in</p> <p>10 child welfare?</p> <p>11 A. Yes, sir.</p> <p>12 Q. I don't believe you have any education in</p> <p>13 child welfare. Am I correct about that?</p> <p>14 A. You are correct.</p> <p>15 Q. And prior to 2021, did you have any work</p> <p>16 experience in the child welfare profession?</p> <p>17 A. No, sir.</p> <p>18 Q. Part of your responsibilities as Deputy</p> <p>19 Executive Commissioner of the Regulatory Services</p> <p>20 Division would include investigations of providers</p> <p>21 subject to HHSC regulation. Am I correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And those investigations are done through</p> <p>24 a group called Provider Investigations, which is</p> <p>25 part of HHSC?</p> <p style="text-align: right;">Page 6</p>	<p>1 important undertakings. True?</p> <p>2 MS. GDULA: Objection; form.</p> <p>3 A. I would say that's true.</p> <p>4 Q. And you know that because if there has</p> <p>5 been a report of abuse, neglect, or exploitation,</p> <p>6 the investigation will determine whether the report</p> <p>7 was accurate and the child remains at risk in that</p> <p>8 placement. Right?</p> <p>9 A. Would you mind repeating that question?</p> <p>10 Q. Sure. You agree that these</p> <p>11 investigations are significant because upon a report</p> <p>12 of abuse, neglect, or exploitation, if the</p> <p>13 investigation determines that it was well-founded,</p> <p>14 then that child remains -- at least could remain in</p> <p>15 a placement that puts the child at risk. True?</p> <p>16 MS. GDULA: Objection; form.</p> <p>17 A. You used the "well-founded." Could you</p> <p>18 explain what you mean by that?</p> <p>19 Q. Sure. "Well-founded" meaning</p> <p>20 "confirmed."</p> <p>21 A. Okay.</p> <p>22 Q. That the report of abuse, neglect, or</p> <p>23 exploitation is confirmed.</p> <p>24 A. Okay. Then I would agree.</p> <p>25 Q. So having accurate investigations really</p> <p style="text-align: right;">Page 8</p>
<p>1 A. Provider Investigations, they do conduct</p> <p>2 investigations. Yes, sir.</p> <p>3 MR. YETTER: I'm having trouble</p> <p>4 hearing his response. I'm sorry. I don't know if</p> <p>5 it's your issue, Mr. Pahl, or maybe we just need to</p> <p>6 move that mic closer to you.</p> <p>7 THE WITNESS: Is that better?</p> <p>8 MR. YETTER: That's better.</p> <p>9 Q. So in your role as Deputy Executive</p> <p>10 Commissioner do you have responsibility for Provider</p> <p>11 Investigations, the group that does investigations</p> <p>12 of certain providers?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Those providers for which the group</p> <p>15 Provider Investigations applies include homes that</p> <p>16 are staffed or called, within HHSC, the home and</p> <p>17 community-based services?</p> <p>18 MS. GDULA: Objection; form.</p> <p>19 A. That's correct.</p> <p>20 Q. And that -- those providers are all</p> <p>21 private providers. Am I right about that?</p> <p>22 A. I believe that is correct. Yes, sir.</p> <p>23 Q. Now, we can agree, can we not, Mr. Pahl,</p> <p>24 that investigations of reports of abuse, neglect, or</p> <p>25 exploitation of children are significant and</p> <p style="text-align: right;">Page 7</p>	<p>1 is a matter that directly relates to child safety,</p> <p>2 does it not?</p> <p>3 A. I would say yes.</p> <p>4 Q. Now, Provider Investigations at HHSC, is</p> <p>5 there a -- a specific executive that is in charge</p> <p>6 just of that group?</p> <p>7 A. By "executive," explain what you --</p> <p>8 Q. Or manager or administrator?</p> <p>9 A. Yes.</p> <p>10 Q. And who is that person?</p> <p>11 A. That person ultimately is Michelle</p> <p>12 Dionne-Vahalik. She is the Associate Commissioner</p> <p>13 over the long-term care regulatory department.</p> <p>14 Q. And does she report to you or Ms. Dixon?</p> <p>15 A. She reports to me.</p> <p>16 Q. I'm sorry?</p> <p>17 A. She reports to me.</p> <p>18 Q. All right. And I didn't catch her last</p> <p>19 name. Could you spell it for me?</p> <p>20 A. I'm going to try my best. D-I-O-N-N-E,</p> <p>21 hyphen, V-A-H-A-L-I-K, I believe.</p> <p>22 Q. All right. And since she reports to you,</p> <p>23 then, you have -- and her title, by the way, excuse</p> <p>24 me, is what?</p> <p>25 A. Associate Commissioner for long-term care</p> <p style="text-align: right;">Page 9</p>

<p>1 regulation.</p> <p>2 Q. Now, this issue of the quality of</p> <p>3 Provider Investigations, this group, has obviously</p> <p>4 come front and center in the foster care litigation</p> <p>5 in recent months. Do you know that?</p> <p>6 MS. GDULA: Objection; form.</p> <p>7 A. I'm aware of that.</p> <p>8 Q. And have you read the monitor reports</p> <p>9 that came out in September, and another one in</p> <p>10 November, that touch on this issue of Provider</p> <p>11 Investigations?</p> <p>12 A. I've read through most of that report,</p> <p>13 yes, sir.</p> <p>14 Q. And which report have you read through</p> <p>15 most of?</p> <p>16 A. It's a report that is -- concerns the</p> <p>17 Remedial Order 3. I don't know if that's the exact</p> <p>18 title, but I'm sure you know what I'm talking about.</p> <p>19 Q. I do. Let me put that in front of you.</p> <p>20 It's Tab No. 5. We'll mark this as Plaintiffs'</p> <p>21 Exhibit No. 3, I believe. 4.</p> <p>22 (Exhibit 4 was marked.)</p> <p>23 Q. And, Mr. Pahl, do you have in front of</p> <p>24 you Plaintiffs' Exhibit No. 4, which is titled:</p> <p>25 Monitors' Update to the Court Regarding Remedial</p> <p style="text-align: right;">Page 10</p>	<p>1 concerns?</p> <p>2 MS. GDULA: Objection; form.</p> <p>3 A. I recall that being one of the concerns,</p> <p>4 yes.</p> <p>5 Q. Do you know, as one of the executives at</p> <p>6 HHSC responsible for Provider Investigations, what</p> <p>7 the timeline is that's required by the Federal</p> <p>8 Court's remedial orders for face-to-face contact</p> <p>9 with the alleged child victim?</p> <p>10 Do you know what that timeline is?</p> <p>11 A. I believe it depends on what priority is</p> <p>12 given. So it depends.</p> <p>13 Q. Let's start with Priority 1. What's the</p> <p>14 timeline or deadline?</p> <p>15 A. I believe it's 24 hours.</p> <p>16 Q. How about a Priority 2 report?</p> <p>17 A. I believe that is within 72 hours.</p> <p>18 Q. And you understand those requirements</p> <p>19 come from a federal court order in the foster care</p> <p>20 litigation, do you not, Mr. Pahl?</p> <p>21 A. I'm not sure that I was aware of where</p> <p>22 those originated.</p> <p>23 Q. In your position as Executive</p> <p>24 Commissioner of Regulatory Services at HHSC, have</p> <p>25 you read the Federal Court's remedial orders?</p> <p style="text-align: right;">Page 12</p>
<p>1 Order No. 3.</p> <p>2 And it's dated September 19th, 2023.</p> <p>3 A. I do, yes.</p> <p>4 Q. Is this the document that you've read</p> <p>5 most of?</p> <p>6 A. I believe it is. Yes, sir.</p> <p>7 Q. Let me hand you Plaintiffs' Exhibit 5,</p> <p>8 which is Tab 6.</p> <p>9 (Exhibit 5 was marked.)</p> <p>10 Q. Mr. Pahl, we've handed you Plaintiffs'</p> <p>11 Exhibit No. 5, which is a supplemental update to the</p> <p>12 Court dated -- from the monitors, dated November 10,</p> <p>13 2023. Do you see that?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Have you had a chance to read this</p> <p>16 document?</p> <p>17 A. I have not.</p> <p>18 Q. I'm sorry. Did you say you have not?</p> <p>19 A. That is correct. I have not.</p> <p>20 Q. Now, the -- do you recall that one of the</p> <p>21 issues in the first monitors' report in September,</p> <p>22 Plaintiffs' Exhibit No. 4, is that Provider</p> <p>23 Investigations, that group, was not conducting</p> <p>24 timely investigations.</p> <p>25 Do you recall that was one of the</p> <p style="text-align: right;">Page 11</p>	<p>1 A. I have read some of them, I recall. I</p> <p>2 don't believe I've read all of them in their</p> <p>3 entirety.</p> <p>4 Q. Now, when you read the monitors' -- or at</p> <p>5 least most of the monitors' report in September,</p> <p>6 which is Plaintiffs' Exhibit No. 4, were there any</p> <p>7 factual statements in the report that you can tell</p> <p>8 us today were inaccurate?</p> <p>9 A. I don't believe that I am able to tell</p> <p>10 you if there's any inaccuracies in the report. I</p> <p>11 have not reviewed the report to -- that extensively.</p> <p>12 Q. I didn't quite catch the tail end of your</p> <p>13 answer. But did you receive any reports from your</p> <p>14 colleagues, your associate commissioner or any of</p> <p>15 her staff that there were inaccurate facts in the</p> <p>16 September 2023 update to the Court, which is marked</p> <p>17 as Plaintiffs' Exhibit No. 4?</p> <p>18 A. I don't recall any.</p> <p>19 Q. Now, some of the work that the monitors</p> <p>20 did in checking on the -- Provider Investigations</p> <p>21 confirmed that these -- this -- these investigations</p> <p>22 were sometimes months late. Did you -- do you</p> <p>23 recall reading that?</p> <p>24 MS. GDULA: Objection; form.</p> <p>25 A. I recall reading in the report that there</p> <p style="text-align: right;">Page 13</p>

<p>1 was some concerns that some of them were late, yes.</p> <p>2 Q. And since you read that in September</p> <p>3 of 2023, have you, as executive commissioner of the</p> <p>4 regulatory services division, instituted a new</p> <p>5 policy or practice for Provider Investigations to</p> <p>6 ensure that their investigations are done according</p> <p>7 to the deadlines of the federal court order?</p> <p>8 A. I personally have not, no, sir.</p> <p>9 Q. One of the things that has come out since</p> <p>10 the September report by the monitors is a temporary</p> <p>11 management directive -- excuse me. Scratch that.</p> <p>12 This summer, one of the things that came</p> <p>13 out is a temporary management directive dated</p> <p>14 June 1st, 2023. Do you know what I'm talking about?</p> <p>15 A. No, sir.</p> <p>16 Q. It is Tab No. 7 and let's mark that as</p> <p>17 Plaintiffs' Exhibit No. 6.</p> <p>18 (Exhibit 6 was marked.)</p> <p>19 Q. What you have in front of you now,</p> <p>20 Mr. Pahl, is Plaintiff's Exhibit No. 6, which is a</p> <p>21 June 1, 2023 temporary management directive. You've</p> <p>22 seen this before, have you not?</p> <p>23 A. I don't recall seeing this.</p> <p>24 Q. It deals with efficient investigative</p> <p>25 procedures. Do you see that in the title?</p> <p style="text-align: right;">Page 14</p>	<p>1 Do you see where I'm reading?</p> <p>2 A. I do. Yes.</p> <p>3 Q. And a backlog meaning investigations --</p> <p>4 reports of abuse, neglect, and exploitation were not</p> <p>5 being investigated timely and they were stacking up.</p> <p>6 Right?</p> <p>7 A. That's fair.</p> <p>8 Q. Then it says PI leadership, so Provider</p> <p>9 Investigations' leadership. And would that include</p> <p>10 your colleague, the associate commissioner?</p> <p>11 A. I would assume so. Yes, sir.</p> <p>12 Q. And would it -- since you're ultimately</p> <p>13 in charge of Provider Investigations, would it</p> <p>14 include you?</p> <p>15 A. Not necessarily.</p> <p>16 Q. So this is saying that the PI leadership</p> <p>17 review ways to make the process -- investigative</p> <p>18 process more efficient. Right?</p> <p>19 A. That's what it says, yes.</p> <p>20 Q. And then in the procedures paragraph, it</p> <p>21 says in the -- I'm still on Page 1 of Plaintiff's</p> <p>22 Exhibit No. 6. It says: When the evidence</p> <p>23 demonstrates an unconfirmed or inconclusive finding,</p> <p>24 the investigator will no longer explain how the</p> <p>25 evidence does or does not satisfy the element when</p> <p style="text-align: right;">Page 16</p>
<p>1 A. I do.</p> <p>2 Q. And that obviously, then, would -- and it</p> <p>3 is from your agency, the Texas Health and Human</p> <p>4 Services agency. Right?</p> <p>5 A. Correct.</p> <p>6 Q. And this would be for Provider</p> <p>7 Investigations, would it not, as it says in the</p> <p>8 first paragraph for purpose?</p> <p>9 A. As stated in the purpose, yes, sir.</p> <p>10 Q. Okay. So this is about five months ago</p> <p>11 and a new directive -- directive means -- am I</p> <p>12 correct it would mean a policy or a requirement for</p> <p>13 Provider Investigations?</p> <p>14 A. That would be a fair characterization.</p> <p>15 Q. Okay. And this says it -- that the</p> <p>16 directive, in the first paragraph, actually started</p> <p>17 in September of 2022. So it's been -- do you see</p> <p>18 that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. It's been going on now for about</p> <p>21 15 months. Right?</p> <p>22 A. About, yeah. Yes, sir.</p> <p>23 Q. And in the background paragraph, it says</p> <p>24 that this new directive was issued in an effort to</p> <p>25 assist with a backlog in Provider Investigations.</p> <p style="text-align: right;">Page 15</p>	<p>1 documenting the Analysis of Evidence.</p> <p>2 Do you see where I was reading?</p> <p>3 A. Yes, I do.</p> <p>4 Q. So basically, if the investigator</p> <p>5 concludes that or finds that the report of abuse,</p> <p>6 neglect, and -- or exploitation is unconfirmed or</p> <p>7 inconclusive, the investigator is told by HHSC not</p> <p>8 to explain why the evidence does or doesn't show the</p> <p>9 finding of the investigator.</p> <p>10 MR. WATKINS: Objection --</p> <p>11 Q. Did I read that right?</p> <p>12 MS. GDULA: Objection; form.</p> <p>13 A. I believe you read that correctly, yes,</p> <p>14 sir.</p> <p>15 Q. Okay. Now, why would it be, Mr. Pahl, in</p> <p>16 your experience now and as basically the top agency</p> <p>17 executive in charge of Provider Investigations, why</p> <p>18 is it a good idea not to explain the evidence that</p> <p>19 supports an investigator's finding? Do you have any</p> <p>20 idea?</p> <p>21 A. I would say no. I don't -- I don't have</p> <p>22 any idea why.</p> <p>23 Q. Now, is this directive, to your</p> <p>24 knowledge, still in place at HHSC telling</p> <p>25 investigators not to explain why they find that a</p> <p style="text-align: right;">Page 17</p>

<p>1 report of abuse, neglect, or exploitation is</p> <p>2 unconfirmed or inconclusive?</p> <p>3 A. I'm not --</p> <p>4 Q. Is it still in place?</p> <p>5 A. I'm not sure. You would have to ask the</p> <p>6 leadership within PI if this is still in effect.</p> <p>7 Q. Now, one of the things that has come out</p> <p>8 from your group since the September report of the</p> <p>9 monitors is an updated Provider Investigations</p> <p>10 handbook, has it not?</p> <p>11 A. I'm not aware.</p> <p>12 Q. Let me show you Exhibit No. 7, which is</p> <p>13 Tab No 8.</p> <p>14 (Exhibit 7 was marked.)</p> <p>15 Q. And we have just handed you Plaintiff's</p> <p>16 Exhibit No. 7, which is called "Provider</p> <p>17 Investigations Handbook."</p> <p>18 Do you have that, sir?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And this obviously is an official policy</p> <p>21 document of the -- your employer, Texas Health and</p> <p>22 Human Services. True?</p> <p>23 A. I would say it's an official</p> <p>24 investigations handbook.</p> <p>25 Q. Right. I mean, these are the -- this is</p> <p style="text-align: right;">Page 18</p>	<p>1 for fiscal year 2024 and what is the fiscal year of</p> <p>2 the HHSC? Is it a calendar year or some other year?</p> <p>3 A. Repeat the question, please.</p> <p>4 Q. What's the fiscal year for HHSC? Is it a</p> <p>5 calendar year or summer to summer, or do you know?</p> <p>6 A. It starts -- it starts in September and</p> <p>7 ends in August.</p> <p>8 Q. Okay. So fiscal year 2024 would -- we</p> <p>9 would be in fiscal year 2024 right now. It started</p> <p>10 in 2023 and it ends in August 2024?</p> <p>11 A. Yes.</p> <p>12 Q. So what we're looking at, Exhibit No. 7,</p> <p>13 is the -- to your knowledge, the current handbook</p> <p>14 for Provider Investigations?</p> <p>15 A. It appears so, yes.</p> <p>16 Q. And this was issued on October 23, 2023.</p> <p>17 You see that date?</p> <p>18 A. I do.</p> <p>19 Q. So this would be about a month after the</p> <p>20 monitors' update to the Court that you read most of</p> <p>21 on September 19th, 2023. True?</p> <p>22 A. It appears so, yes.</p> <p>23 Q. Now, in the monitors' report, am I --</p> <p>24 would I be correct to say that you read -- the</p> <p>25 Exhibit No. 4, the September 2023 report, you read</p> <p style="text-align: right;">Page 20</p>
<p>1 the -- these are the formal policies for this group</p> <p>2 issued or adopted by the Texas Health and Human</p> <p>3 Services agency. Right?</p> <p>4 A. I'm not aware of the -- if this is a</p> <p>5 policy handbook or a procedures handbook without</p> <p>6 reviewing it any further.</p> <p>7 Q. Okay. As the ultimate head of Provider</p> <p>8 Investigations, you can confirm for the Court that</p> <p>9 this handbook is what the investigators in this</p> <p>10 group are required to follow. True?</p> <p>11 A. It appears so. Yes, sir.</p> <p>12 Q. Because it says in the front page this</p> <p>13 document is for the Provider Investigations staff,</p> <p>14 including administrative assistants, investigators,</p> <p>15 program managers, assistant regional directors,</p> <p>16 regional directors, and other Provider</p> <p>17 Investigations employees. So everybody's supposed</p> <p>18 to follow it. Right?</p> <p>19 A. As you have described, yes.</p> <p>20 Q. And it says: This document is intended</p> <p>21 to provide direction. Right? So this is not, kind</p> <p>22 of, voluntary. This is mandatory. True?</p> <p>23 A. I would agree with that.</p> <p>24 Q. Okay. Now, if you look at the -- on the</p> <p>25 bottom right-hand corner, it says that it -- this is</p> <p style="text-align: right;">Page 19</p>	<p>1 some very troubling results of the monitors'</p> <p>2 investigations?</p> <p>3 MS. GDULA: Objection; form.</p> <p>4 A. By "troubling," can you explain what you</p> <p>5 mean by "troubling"?</p> <p>6 Q. Meaning that you personally were upset</p> <p>7 and concerned about the things you read in the</p> <p>8 monitors' update in September, were you not?</p> <p>9 A. I don't know that I would say I was</p> <p>10 upset, but concerned is fair.</p> <p>11 Q. Okay. Concerned, not upset?</p> <p>12 A. I would say that's correct, yes.</p> <p>13 Q. Okay. Got it.</p> <p>14 Because children's lives are at stake.</p> <p>15 Right?</p> <p>16 A. That's right.</p> <p>17 Q. And after you read these findings in the</p> <p>18 monitors' report in September 2023 which caused you</p> <p>19 concern for children's safety, did you make a point</p> <p>20 of telling your staff to -- in the new edition of</p> <p>21 the handbook, to deal with those concerns that you</p> <p>22 had?</p> <p>23 A. That would not be my role to -- to make</p> <p>24 that announcement. That would -- that would lie</p> <p>25 somewhere within Provider Investigations. Some</p> <p style="text-align: right;">Page 21</p>

<p>1 management staff within Provider Investigations 2 would have done such. 3 Q. All right. So am I -- would it be fair 4 to say that you, Mr. Pahl, as executive 5 commissioner, did not initiate any changes to the 6 Provider Investigations handbook based on the 7 monitors' September 2023 report? Is that accurate? 8 MS. GDULA: Objection; form. 9 A. That is accurate, yes. 10 Q. Now, did your colleague, your assistant 11 commissioner who you say is kind of focused entirely 12 on Provider Investigations, did she report to you on 13 any changes that were made in the Provider 14 Investigations handbook in order to address the 15 concerns that you had from the monitors' September 16 2023 update to the Court? 17 A. I don't recall. 18 Q. So as you're sitting here today, since 19 the September 2023 report of the monitors to the 20 Court about Provider Investigations, are you aware 21 of any changes in practice or policy at HHSC with 22 regard to Provider Investigations to address the 23 concerns that were raised by the monitors, any 24 changes? 25 A. Not apart for those that are -- been</p> <p style="text-align: right;">Page 22</p>	<p>1 exploitation? 2 MS. GDULA: Objection; form. 3 A. My understanding is that Provider 4 Investigations is focused on the perpetrator and not 5 the provider. Maybe -- 6 Q. I'm not sure if that was an answer to my 7 question. 8 Is the answer to my question is, no, you 9 do not think that a bad track record of a provider 10 agency should be considered in investigating a new 11 report of alleged abuse, neglect, and exploitation 12 at the same agency? 13 A. Would you mind repeating the question. 14 Q. I didn't catch that answer. 15 A. Would you mind repeating the question? 16 Q. Certainly. Are you saying that a bad 17 track record, a -- a troubled history of a provider 18 agency should not be considered by Provider 19 Investigations when investigating a new report of 20 alleged abuse, neglect, or exploitation of a child 21 at the very same agency? 22 A. I would say, yes, if they're given the 23 authority to do so. 24 Q. And that's logical because history can 25 repeat itself, can't it?</p> <p style="text-align: right;">Page 24</p>
<p>1 updated in the handbook, I'm not aware of any. 2 Q. All right. Let's go through the handbook 3 and let's see what's there. And have you read the 4 handbook any time recently? 5 A. No, sir. 6 Q. Would you agree that an investigation by 7 your group, Provider Investigations, of a report of 8 abuse, neglect, or exploitation of a child in a 9 provider facility should take into account the 10 history of the provider agency, good, bad, or 11 indifferent? 12 A. In the -- in the scope of Provider 13 Investigations? 14 Q. Yes. 15 A. I'm not sure. 16 Q. Well, let me give you an example. 17 A. Okay. 18 Q. If a particular provider agency had a 19 history of violations or confirmed reports of abuse, 20 neglect, or exploitation of children, wouldn't you 21 think, Mr. Pahl, as Executive Commissioner of 22 Regulatory Services that the investigator in 23 Provider Investigations, should consider that bad 24 track record of the provider agency when assessing 25 the new report of alleged abuse, neglect, and</p> <p style="text-align: right;">Page 23</p>	<p>1 MS. GDULA: Objection; form. 2 A. I suppose history can repeat itself, yes, 3 sir. 4 Q. And just like a bad or troubled history 5 of a particular perpetrator, a particular caregiver, 6 can be relevant to an investigation. You'd agree 7 with that, wouldn't you? 8 A. Yes. Yes. 9 Q. A bad track record or history of a 10 provider agency where there is a new report of 11 alleged abuse, and neglect, or exploitation at the 12 same agency is relevant. Right? 13 A. I would say so, yes. 14 Q. Now, do you know that the children at 15 facilities that are being investigated by Provider 16 Investigations can be disabled, and maybe they're 17 all disabled, but at least some of them, many of 18 them are disabled -- intellectually disabled. Do 19 you know that? 20 MS. GDULA: Objection; form. 21 A. Yes, sir. 22 Q. And likewise, at many of these home and 23 community-based facilities, there are adults that 24 reside there and they too are intellectually 25 disabled?</p> <p style="text-align: right;">Page 25</p>

<p>1 A. That's my understanding. Yes, sir.</p> <p>2 Q. Did you realize that these what are, I</p> <p>3 think, called HCS homes, can have both children and</p> <p>4 adults residing at the same home?</p> <p>5 A. I was not aware of that.</p> <p>6 Q. Now, if -- you'd agree, wouldn't you,</p> <p>7 that if your investigators in Provider</p> <p>8 Investigations are going to do an investigation of</p> <p>9 alleged abuse, neglect, or exploitation of chi- --</p> <p>10 an intellectually disabled child, that the</p> <p>11 investigator from HHSC needs to take account of the</p> <p>12 child's disability in making the investigation.</p> <p>13 You'd agree with that, wouldn't you?</p> <p>14 A. Yes, I would.</p> <p>15 Q. For example, if a child's limitations are</p> <p>16 such that they are nonvocal, that their disability</p> <p>17 is such that they don't speak, the investigator</p> <p>18 would need to take account of that so that they</p> <p>19 could actually comm- -- that the investigator could</p> <p>20 communicate with the alleged child victim. Wouldn't</p> <p>21 you agree with that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And if you -- if your group of Provider</p> <p>24 Investigations is not taking account of the</p> <p>25 individual disabilities of the alleged victims, then</p> <p style="text-align: right;">Page 26</p>	<p>1 be able to understand what the child victim -- his</p> <p>2 or her perspective is, you're saying that is not a</p> <p>3 necessary part of an investigation by your group</p> <p>4 Provider Investigations of -- of alleged abuse,</p> <p>5 neglect, and exploitation?</p> <p>6 A. It may be -- it may be necessary for</p> <p>7 certain investigations. As I said before, I think</p> <p>8 all investigations are different and aren't</p> <p>9 conducted the same way.</p> <p>10 Q. Now, do you know whether it is a</p> <p>11 requirement of HHSC to take into account the -- an</p> <p>12 alleged child victim's unique capabilities and</p> <p>13 disabilities in order to best communicate with the</p> <p>14 child in a situation of a report of alleged abuse,</p> <p>15 neglect, and exploitation? Do you know whether</p> <p>16 that's a requirement of HHSC?</p> <p>17 A. I'm not aware of whether it's a</p> <p>18 requirement or not.</p> <p>19 Q. And given what you were saying about it</p> <p>20 may not be actually necessary to communicate with</p> <p>21 the alleged child victim, you're not sure there's</p> <p>22 really even a requirement to try to communicate with</p> <p>23 the alleged child victim. Am I right?</p> <p>24 A. I'm not aware of a requirement, yes.</p> <p>25 Q. Let -- let's move from the child vic- --</p> <p style="text-align: right;">Page 28</p>
<p>1 you're not going to be completing accurate</p> <p>2 investigations, are you?</p> <p>3 MS. GDULA: Objection; form.</p> <p>4 A. I'm not sure that I agree with that.</p> <p>5 Q. I'm sorry. What -- how would -- what</p> <p>6 about that would you disagree? If you can't talk to</p> <p>7 the child or communicate with the child, how do you</p> <p>8 complete an investigation?</p> <p>9 A. I don't know that that is always</p> <p>10 necessary to obtain your evidence in such a manner.</p> <p>11 There may be other ways that you obtain evidence</p> <p>12 there and I think that each investigation would</p> <p>13 probably be very different.</p> <p>14 Q. All right. Mr. Pahl, let me see if I</p> <p>15 understand the answer you just gave to us.</p> <p>16 You're not sure as the ultimate executive</p> <p>17 for Provider Investigations that it is always</p> <p>18 necessary to communicate with the alleged child</p> <p>19 victim in order to have a reliable and accurate</p> <p>20 investigation and -- did I hear you correctly?</p> <p>21 A. Yes. There may be other ways that you</p> <p>22 can obtain evidence that you would need without</p> <p>23 having to speak with a -- with the victim.</p> <p>24 Q. Sure. And I'm not saying necessarily</p> <p>25 speak like converse, but just communicate, just to</p> <p style="text-align: right;">Page 27</p>	<p>1 the alleged child victim to the alleged perpetrator.</p> <p>2 Do you believe, Mr. Pahl, as -- in your position as</p> <p>3 kind of the head man or the top executive of</p> <p>4 Provider Investigations that understanding the track</p> <p>5 record or the history of the alleged perpetrator is</p> <p>6 vital information for an accurate and reliable</p> <p>7 investigation?</p> <p>8 A. I would agree.</p> <p>9 Q. And that track record that is so vital</p> <p>10 would include the criminal history and the criminal</p> <p>11 history records of the alleged perpetrator, wouldn't</p> <p>12 it?</p> <p>13 A. I would assume it would.</p> <p>14 Q. Because I can't -- can you think of any</p> <p>15 sort of information about an alleged perpetrator's</p> <p>16 history that would be, perhaps, more relevant than</p> <p>17 their criminal record involving similar conduct?</p> <p>18 A. I can't think of any.</p> <p>19 Q. Would you agree that an investigation</p> <p>20 done months later is likely to be a less reliable</p> <p>21 and less accurate investigation than one done timely</p> <p>22 and near the -- near the alleged abuse, neglect,</p> <p>23 and/or exploitation?</p> <p>24 A. Would you mind repeating that question?</p> <p>25 Q. Sure. Would you agree that an</p> <p style="text-align: right;">Page 29</p>

1 investigation done months after an outcry of alleged
2 abuse, neglect, or exploitation is likely to be less
3 accurate and reliable than one that is done timely?
4 MS. GDULA: Objection; form.
5 A. I think it's possible but maybe not
6 always.
7 Q. I want to change topics slightly,
8 Mr. Pahl. There is -- there are situations where an
9 investigation involves allegations of multiple
10 violations. You understand that that can happen, do
11 you not?
12 A. Yes.
13 Q. And the investigation of multiple
14 violations may result in different findings on
15 different violations. You can appreciate that that
16 might happen as well --
17 A. Yes.
18 Q. -- would you not?
19 A. Yes.
20 Q. For example, if you had two or more
21 violations and some of the violations were found to
22 be inconclusive and others were found to be
23 unconfirmed -- and do you know what those categories
24 mean?
25 A. I believe I do, yes.

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1 Q. Do you have any good reason to explain to
2 us why HHSC or Provider Investigations would take
3 the lesser finding and apply it to the investigation
4 as opposed to the more serious finding?
5 MS. GDULA: Objection; form.
6 A. I do not.
7 Q. Can we agree that there is no reason why
8 children that are intellectually disabled should
9 receive less thorough and accurate investigations of
10 their outcries of alleged abuse, neglect, and
11 exploitation than children who do not have the same
12 intellectual disabilities?
13 A. I would agree.
14 MR. YETTER: Excuse me. I'm moving
15 to a new topic. I apologize for the pause. Can we
16 take a five-minute break to make sure that I'm
17 finished. But I think I'm about ready to wrap up
18 and then we can let Mr. Pahl go.
19 MS. GDULA: Sure. So we'll be back
20 here at 1:55?
21 MR. YETTER: That sounds fine.
22 THE STENOGRAPHER: Rough today.
23 Final as soon as possible.
24 MR. YETTER: Thank you for your time
25 today. We pass the witness.


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1 MS. GDULA: We'll reserve our
2 questions.
3 (Deposition concluded at 1:58 p.m.)
4 THE STENOGRAPHER: Rough draft?
5 MS. GDULA: No. Final when the other
6 side gets it. When will it be ready?
7 THE STENOGRAPHER: Tomorrow.
8 MS. GDULA: Okay.
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Page 32

1 CORRECTION PAGE
2 WITNESS NAME: STEPHEN PAHL DATE: 11/21/2023
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Page 33

<p>1 SIGNATURE PAGE</p> <p>2</p> <p>3 I, STEPHEN PAHL, have read the foregoing</p> <p>4 deposition and hereby affix my signature that same</p> <p>5 is true and correct, except as noted on the</p> <p>6 correction page.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. HOU6322893</p> <p>Page 34</p>	<p>1 I further certify that pursuant to FRCP No.</p> <p>2 30(f)(i) that the signature of the deponent:</p> <p>3 X was requested by the deponent or a party</p> <p>4 before the completion of the deposition and that the</p> <p>5 signature is to be returned within 30 days from date</p> <p>6 of receipt of the transcript. If returned, the</p> <p>7 attached Changes and Signature Page contains any</p> <p>8 changes and the reasons therefor;</p> <p>9 was not requested by the deponent or a party</p> <p>10 before the completion of the deposition.</p> <p>11 I further certify that I am neither counsel for,</p> <p>12 related to, nor employed by any of the parties in</p> <p>13 the action in which this proceeding was taken, and</p> <p>14 further that I am not financially or otherwise</p> <p>15 interested in the outcome of the action.</p> <p>16 Certified to by me this 22nd of November, 2023.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22  Tamara Chapman, CSR, RPR-CRR</p> <p>23 CSR NO. 7248; Expiration Date: 12-31-23</p> <p>24 Veritext Legal Solutions</p> <p>25 Firm Registration No. 571 300 Throckmorton Street, Suite 1600 Fort Worth, Texas 76102 800-336-4000</p> <p>Page 36</p>
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 CORPUS CHRISTI DIVISION</p> <p>4 M.D., B/N/F SARAH R. §</p> <p>5 STUKENBERG, ET AL., §</p> <p>6 § CIVIL ACTION NO.</p> <p>7 PLAINTIFFS, § 1:19-CV-01610</p> <p>8 V. §</p> <p>9 §</p> <p>10 GREG ABBOTT, IN HIS §</p> <p>11 OFFICIAL CAPACITY AS §</p> <p>12 GOVERNOR OF THE STATE §</p> <p>13 OF TEXAS, ET AL., §</p> <p>14 §</p> <p>15 DEFENDANTS. §</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 35</p>	<p>1 kimberly.gdula@oag.texas.gov</p> <p>2 November 22, 2023</p> <p>3 RE: MD, Et Al v. Abbott, Greg, Et Al.</p> <p>4 DEPOSITION OF: Stephen Pahl (# 6322893)</p> <p>5 The above-referenced witness transcript is</p> <p>6 available for read and sign.</p> <p>7 Within the applicable timeframe, the witness</p> <p>8 should read the testimony to verify its accuracy. If</p> <p>9 there are any changes, the witness should note those</p> <p>10 on the attached Errata Sheet.</p> <p>11 The witness should sign and notarize the</p> <p>12 attached Errata pages and return to Veritext at</p> <p>13 errata-tx@veritext.com.</p> <p>14 According to applicable rules or agreements, if</p> <p>15 the witness fails to do so within the time allotted,</p> <p>16 a certified copy of the transcript may be used as if</p> <p>17 signed.</p> <p>18 Yours,</p> <p>19 Veritext Legal Solutions</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 37</p>